

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of 360networks (USA) inc. for authority to construct facilities within the State of California required to provide InterLATA and IntraLATA Telecommunications Services.

Application 00-10-026
(Filed October 17, 2000)

Application of Pacific Fiber Link, L.L.C. (U-6028-C) For Modification of its Certificate of Public Convenience and Necessity ("CCPN") to Review Proponent's Environmental Assessment for Compliance with the California Environmental Quality Act ("CEQA").

Application 99-08-021
(Filed August 10, 1999;
Petition to Modify filed
April 24, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING APPLICANT'S REQUEST FOR STAY**

These two proceedings have been initiated by 360networks (USA) inc. (360networks), the successor to Pacific Fiber Link, L.L.C. In the first, Application (A.) 00-10-026, applicant seeks environmental review and authority to install a fiber optic conduit cable project between Sacramento and Los Angeles. In the second, A.99-08-021, applicant seeks modification to its existing authority to permit it to construct three optical regeneration stations between the Oregon border and Sacramento.

Applicant filed for bankruptcy on June 28, 2001, both in Canada, where it is headquartered, and in the United States Bankruptcy Court for the Southern District of New York. Commission records show that the company owes the

Commission approximately \$400,000 in pre-petition debt and approximately \$94,000 in post-petition debt, primarily for the work of environmental consultants in A.00-10-026.

A Prehearing Conference to inquire into the fitness of 360networks to serve as a nondominant interexchange carrier was conducted on November 9, 2001. At that time, applicant, through counsel, made the following representations:

- While it is not fit or able to proceed today with its fiber projects, applicant expects through reorganization or other means to be able to proceed at a later date. It therefore seeks a six-month stay in A.00-10-026 pending further developments before the Bankruptcy Court. This request is unopposed.
- The petition for modification in A.99-08-021 has become moot, and applicant does not intend to proceed with its development of three regeneration stations as proposed in the petition. The company therefore asks to withdraw its petition to modify and that the petition be dismissed.
- Applicant intends to remain current on its post-petition debt, and it intends to pay post-petition debt owed to the Commission within 90 days. Applicant agrees that the Commission need not make further expenditures on applicant's behalf until the issue of post-petition debt has been resolved for both past and future expenditures.

Accordingly, for good cause shown, **IT IS RULED** that:

1. The request for a six-month extension of time is granted. A third Prehearing Conference in Application (A.) 00-10-026 will be conducted at 10 a.m., Friday, May 17, 2002, in the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

2. The request for withdrawal of the petition for modification of A.99-08-021 is taken under advisement.

Dated November 16, 2001, at San Francisco, California.

/s/ GLEN E. WALKER

Glen E. Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Applicant's Request for Stay on all parties of record in this proceeding or their attorneys of record.

Dated November 16, 2001, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.